COMMENT SET 15



California State Lands Commission
Division of Environmental Planning & Management
100 Howe Avenue
Suite 100 South
Sacramento, CA 95825-8202

March 4, 2004

Attention:

Mr. Dwight Sanders, Chief

Subject:

PRC-421 Revised Project - Review of January 2004 DEIR

Dear Mr. Sanders,

On behalf of Atlantic Richfield Company (ARCO) please find enclosed our comments following review of the subject document. We thank you for this opportunity to comment.

Our comments are categorized by color importance. RED signifies an area of great concern, YELLOW signifies an area of moderate concern and GREEN has been used for minor errors and clarifications. You will see that the majority of the comments fall into the GREEN category. Also, while initially it may seem as if there is a great volume of comments, many of the comments repeat up to as many as three times. This is due to the organization of the EIR document. For example, a comment may be generated relating to an item in the Executive Summary, generated again from that item's appearance in the body of the document and a third time if it appears in the Appendix P Mitigation Measures. We were striving to identify all occurrences of each comment item.

We have looked carefully at the comments from the environmental perspective and purpose of the EIR and feel confident that resolution of these comments will not result in any re-circulation of the EIR document. It is ARCO's wish that the State Lands Commission maintain its schedule to certify the EIR at its April 5th hearing.

If there are any questions, or if Fairweather Pacific can provide assistance as it may relate to information contained in documents from the application to State Lands that appear in the DEIR, please do not hesitate to contact the undersigned.

Sincerely,

John F. Lorentz COPY

John F. Lorentz

Construction Engineering Manager/ARCO PRC-421 Representative

ee: Atlantic Richfield Company; Tony Brown

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REVIEW of the 2004 DRAFT ENVIRONMENTAL IMPACT REPORT

Comments, Clarifications and Noted Errors

Page	Туре	Comment	_
1-13 Item #12	Clarification	Later discussion resolved that we would not use a detonation cap, but probably a small air horn or starter's pistol.	15-1
1-14 Sec 1.4	Clarification	The remnant structure has been a "hazard to navigation" since the 1930's – essentially permanent already. The proposed project would not create a new hazard; rather, it would replace an existing offshore structure. The USCG does not consider the area of the proposed bird roosts as an area of general navigation.	15-2
1-19 -*BIO-1	Comment	The Marine Mammal Consulting Group states that, in the past, agencies have allowed the aerial survey to be waived, provided some extra monitors on land or at sea are available. Evidently this is common practice. Depending on the year and local conditions at that time, the project, already mobilized at site, could be delayed indefinitely due to fog. We request that the principal investigator be allowed to substitute additional land or sea monitors for the aerial survey if low ceilings prohibit aerial operations.	15-3
1-19 BIO-1	Comment	We question the effectiveness of the bubble curtain. The DEIR suggests it is of dubious value. It is likely to only result in additional delays to the applicant for deployment and recovery, with little, if any, benefit. We request that this requirement be deleted. See also comment on page 4.4-47, 2 nd bullet.	15-4
1-20 BIO-5	Comment	The project start date (mid-Sept) has been selected to avoid the impact of concern noted in BIO-5 and represents a reasonable duration following which the nesting/fledgling birds have left and the applicant can commence work. Otherwise, the applicant could be mobilized in port at significant cost per day and not be able to proceed. Mr. Paul Kelly (Staff Environmental Scientist, Office of Spill Prevention and Response, CA Dept of Fish & Game) stated in recent communication "it would be unusual for Brandt's cormorants to fledge young after the end of July." Additionally, the project impact is considered Class 3 (insignificant). Please review this requirement.	15-5

KEY:

RED - Area of significant concern
- Area of moderate concern
GREEN - Minor error or clarification



1-20 BIO-6	Comment	Ground-truthing of the anchor points is an added requirement for the applicant that provides no apparent added benefit. Final anchor/bathymetric/kelp surveys will be conducted 30-60 days prior to the arrival at site. Upon arrival, a monitor will confirm the positions to which the anchors are flown as being those established in the final survey. The seabed conditions at the time of the project (late summer) are essentially "static" and it is not considered likely that seabed features will have changed. We request reconsideration of this mitigation measure. If the intent is for agency personnel to verify that the anchor positions are appropriate, then we request that the requirement be changed to ensure that the applicant notifies agency personnel of the final anchor survey timing so that appropriate personnel may participate with the dive team if desired.	15-6
1-20 BIO-7	Comment	By "soft line" is it meant wire rope instead of anchor chain? If this is true, then we have no comment. However, if "soft line" refers to synthetic rope, then this is a problem, as synthetic lines typically exhibits far less resistance to abrasion. Using synthetic lines for anchoring offshore construction vessels is not common for this reason. There exists the very real possibility of a breakaway resulting from a parted synthetic line. Further, barge anchor winches are not designed for synthetic rope. Please confirm that wire rope is intended.	15-7
1-20, 21 BIO-7	Comment	Please confirm that "project activities" with regard to kelp damage is not relevant to the area under which quarry rock will be deposited. Previous understanding by the applicant was that no kelp replacement was to be undertaken for what may be lost under the new rock hardbottom. Additionally, Table 1-1 identifies the loss of kelp habitat as a Class 2 adverse impact but Section 4.4 concludes this impact is less than significant (Class 3). Furthermore, Table 1-1 fails to acknowledge the beneficial (Class 4) impact to kelp and fish habitat from the addition of hard substrate via the quarry rock. The project will result in a net increase in hard bottom substrate, which will provide additional area for kelp recruitment and habitat for associated fish and invertebrates. Also, kelp outplanting may not be necessary since additional substrate suitable for natural kelp recruitment will be added. Over time (within approximately one year), kelp is expected to expand into the area of newly added hardbottom substrate.	15-8



1-21 BIO-7	Clarification	"Imported rock fill" should be clearly defined as being the rock pile surrounding Well #7.	15-9
1-23 NOI-1	Comment	We understand the concern that led to this recommended mitigation measure. However, we request some flexibility be afforded on the end time for pile driving activities. It can take several hours to set up the pile driving operation (position the barge, angle the pile, etc.) before it is effectively underway. If this operation is well underway and nearing completion on a given day, we request that pile driving be allowed to continue until sunset. This would be consistent with the language on page 4.4-45, 12 th bullet.	15-10
1-23 NOI-2	Comment	Please replace the word "explosions" with "detonations" as it implies an event of greater magnitude than it will be. JRC has indicated that since the detonations will occur in 32' of water and under the columns, the noise will in all likelihood be akin to a series of dull "thumps" and will be imperceptible to most of the public. Please perform a document search to remove any other instances of the word "explosion," for example, pages 4.3-6 and 4.4-47.	15-11
1-23 VIS-1	Comment	We see neither the need, nor the value, of an educational outreach program to mitigate a Class 3 (insignificant) visual impact from a temporary marine construction/demolition project. Other such projects, located in areas equally accessible to the public, have not required similar programs. By the time this project commences, there will have been no less than 4 public hearings (NOP, DEIR, CSLC & CCC) plus numerous mailings from various agencies from which permits are granted. We believe that notification of parties that may hear the project work is more appropriate and would be accomplished in NOI-2.	15-12
1-25 WAT-2	Comment	The discussion in Section 4.10 refers to the effects of water turbidity on biological resources (bioproductivity) and concludes that the impact is adverse and potentially significant (Class 2). However, a similar discussion under BIO-2 (pgs. 4.4-47 & 48) concludes that the impact will be less than significant (Class 3). The effects on turbidity will be temporary in nature and less than significant.	15-13
2-3 Sec 2.4	Error	RWQCB involved in this project is Central Coast Region 3 in San Luis Obispo, not Los Angeles.	15-14
3-23 Sec 3.4.4	Clarification	We had advised later that a tracked dozer would probably be used on the concrete decked barge instead of the 98F. This is primarily for safety reasons. This has been discussed and cleared with Peter Howorth at MMCG.	15-15



3-28	Grammar	Word "access" is missing. S/B "any future access to the"	15-16
2 nd Line 4.1-7	Grammar	There is a word or phrase missing from the 3 rd sentence.	
2 nd Para		' <u>.</u>	15-17
4.1-9 Sec 4.1.2.2	Grammar	Perhaps the sentence should end with, "if the Proposed Project included:"	15-18
4.1-10 GEO-3 Heading & Discussion	Correction	"Chain" is mentioned as part of the anchoring hardware. It is recognized that chain contact with the hardbottom can result in damage thereto. Please be advised that there will be no chain connected to the anchors. Only wire rope will be connected to the anchors and the LLB will only be carrying wire rope on its mooring winches. Additionally, only wire rope is connected to the anchors on the West Coast can moorings.	15-19
4.2-12 Top	Comment	It is our understanding, based on discussions with the SBC APCD that the demolition portion of this project may be subject to a permit. However, as stated in the Draft EIR, these emissions are not considered significant (Class 3).	15-20
4.3-4 Ellwood Pier	Clarification	The first sentence implies that VENOCO owns the pier. We do not believe this is correct. Also, there is no mention that Exxon uses this pier jointly with VENOCO.	15-21
- Set 4.3.1.3	Clarification	This section states that the principal investigator will have the authority to waive the aerial survey in the event of a low ceiling, however later text and Mitigation Measures state that the aerial survey should not be waived. See also 1-19 BIO-1.	15-22
4.3-8 Sec 4.3.2.1	Comment	We do not anticipate that any staging of materials will take place at Ellwood Pier. VENOCO has not been contacted regarding storage or staging of materials at Ellwood Pier.	15-23
4.4-3 Soft Subst.	Error	The EFHA presented in Appendix G is the one modified in November 2003 for the Revised Project, not the September 2001 version.	15-24
4.4-14 Bottom	Comment	It is our understanding that CDFG was concerned about removing the pier remnant because it provides a roosting and nesting location for the Brandt's cormorants (<i>Phalacrocorax penicillatus</i>), as opposed to the Double-crested cormorant. A discussion should be added for this species, similar to that which is included for the Double-crested cormorant.	15-25
4.4-22 Sec 4.4.1.4	Grammar	Species names should be italicized throughout.	15-26



4.4-38 Sec 4.4.4	Comment	For sake of good order, the remnant is not a man-made roosting structure. Rather, it is a man-made oil facility, abandoned in the 1950's, which has since been taken over by roosting sea birds.	15-27
4.4-39 Sec. 4.4.4.2	Comment	The significance criteria in the first set of bullet items should be qualified. As written, it suggests that any impact to "locally designated species" or "locally designated natural communities" may be significant. The extent of the impact should be considered in determining whether or not it is significant.	15-28
4.4-41 Last Para.	Comment	Each individual charge is only 1.8# This may reduce some of the values in Table 4.4-10 results due to the reduced individual charge volume.	15-29
4.4-45 5 th Line	Comment	It is implied that there will be more than one detonation. The shaped charges will be detonated in rapid succession; in ~3 - 5 seconds total elapsed time. See 6 th bullet item.	15-30
4.4-45 3 rd Bullet	Clarification	An air horn or starter's pistol will be used. See also 1-13 Item #12.	15-31
4.4-45 Last Bullet	Clarification	Similar to the marine mammal monitoring methods during the use of shaped charges, aerial surveys will be performed immediately prior to pile-driving operations to ensure no animals are within the safety zone. The principal investigator, Peter Howorth, has confirmed that it is not necessary to conduct aerial surveys throughout the duration of pile driving.	15-32
4.4-46 3 rd Bullet	Correction	Rule #7 should be deleted from the list as we have learned that making noise to encourage marine mammals to leave the area could be considered harassment. We believe this to be a carryover from the previous EIR. Please see the Nov '03 MMCP.	15-33
4.4-46 4 th Bullet (below #7)	Correction	The second sentence relating to "a marine mammal watch" should be stricken as it implies to NOAA Fisheries that specifically trained personnel will be onboard and this is not the case. Personnel onboard the project vessels will keep a vigilant watch for gray whales to minimize the chance of collision. We believe this to be a carryover form the previous EIR. Please see the Nov '03 MMCP.	15-34
4.4-47 1" Bullet	Comment	See 1-19 BIO-1 comments about waiving the aerial survey.	15-35



4.4-47 2 nd Bullet	Comment	The CalTrans CIDP Project in Oakland is an example of where the bubble curtains were of no value. It is expected that construction activities will keep some fish away from the area, but a bubble curtain will also have the effect of scaring indigenous fish to their hiding spots within the remnant structure. See also 1-19 BIO-1.	15-36
4.4-47 BIO-2	Grammar	First paragraph, second to last sentence, check for missing phrase after, "increase in turbidity"	15-37
4.4-48 BIO-2 Disc.	Grammar	First paragraph, last sentence, check for missing word after "will be moved short"	15-38
4.4-49 BIO-4 Disc.	Error	A 1600' diameter anchor area encompasses an area of 0.07 sq. mile, not 0.02 as stated. A 1600' dimension equals ~487 meters.	15-39
4.4-50, 51 BIO-5	Comment	Please see earlier comment under 1-20 BIO-5. Given the timing of the project, this requirement may not be necessary.	15-40
4.4-51 Discussion	Error	Where is Section 4.4.6.1? The only other reference to the anchor points appears to be 4.4.2. There is no mention that the Revised Project significantly reduced the number of anchor points over the previously proposed project. This should be emphasized as it reduces the potential for seabed/kelp impacts.	15-41
4.4-52 BIO-7	Error	There is no Section 4.4.6.2.	15-42
4.4-53 BIO-7	Comment	In Mitigation Measures, it should be clearly stated that the "project activities" relate to anchoring. It has been previously understood that ARCO is not going to embark on a kelp replacement program for that which may be covered by the new hardbottom substrate. Please see earlier comment under 1-20 BIO-7.	15-43



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4.4-53 BIO-7	Comment	The creation of approximately 0.4 acres of hard bottom habitat as part of the proposed project should be identified as a beneficial, Class 4, impact. The loss of kelp due to anchoring or other project activities would be temporary and likely restored naturally within a year of project completion. Placement of new hard bottom substrate via the toppled columns and quarry rock will provide substantially more habitat than is likely to be affected by the proposed project and will be present in perpetuity. Addition of hard bottom substrate has been required as mitigation on other projects (i.e., Phillips Tajiguas nearshore pipeline abandonment). We believe this far outweighs the temporary loss of kelp, if any, from project activities and warrants more "credit" and consideration. The normal seasonal abundance patterns for kelp should be considered when establishing a framework for requiring mitigation.	15-44
4.5-4 HAZ-2	Clarification	First paragraph refers to the MSDS sheet, which recommends that post-detonation furnes be allowed to clear before entering the area. This precaution is recommended for surface detonations. There is no risk to workers or the public from this effect given that the detonations will occur below the mudline and in 32' of water.	15-45
4.4-54	Error	"KELCO" per se no longer exists. It is now called ISP Corporation.	15-46
4.5-5	Grammar	Second line, "project Proposed Project:"	15-47
4.5-5 HAZ-5 Disc.	Comment	We believe it is false and misleading to state, or otherwise imply, that there is a hazard to the public from the use of the Linear Shaped Charges. They cannot detonate prematurely, they will be used underwater, and there will be no public access to the construction area. We recognize that there is some inherent danger to the divers, but this is mitigated through planning and implementation of the Explosives Operation & Transportation Plan.	15-48
4.5-6 HAZ-6 Disc.	Comment	We believe it is inaccurate to imply that there exist reasons other than fledgling birds and whale migration for the Sept/Oct window. These are exactly the restrictions that have dictated the construction window. A larger window would be desirable and would have provided additional flexibility in scheduling the work.	15-49



4.6-4 Table 4.6-2	Error	Sixth item, Haskell's Beach is much further to the NW than 100' off VENOCO's PRC-421-1. See page 4.4-50, first paragraph where it states Haskell's Beach is 3000' NW and page 4.5-5, second to last paragraph, where it states Haskell's Beach is ½ mile distant.	15-50
4.6-9 Top	Comment	Is the Revised Project in any way penalized if reduction in noise levels resulting from natural barriers like the adjacent cliffs are not considered? Would this lead to unjustified public comment/criticism? It is acknowledged that there would be no barriers between the project site and Bacara or Haskell's Beach. These are distant receptors. For example, although there is some conflicting text-see 1-23 NOI-1, a Mitigation Measure requires pile driving to stop at 5 p.m. Would longer pile driving be allowed if noise reduction to the southeast is considered?	15-51
4.6-9 Bottom	Comment	This section states that locations within 1600' of the construction site would be affected by noise above 65dB. The project site is approximately 850' seaward from shore and the adjacent bluffs are approximately 80' from landward from shore. The site is generally isolated from the public, with limited access. The remaining landward portion of the 1600' radius covers a land area of only 26 acres (see sketch at end). The Bengal Engineering report (CSLC application binder, page 98) states that total driving time per pile would be 64 minutes, however this may be spread out over a period of two hours or so. Please see earlier comment under Page 1-23 NOI-1.	15-52
4.6-10 Disc.	Error	There is no 25-ton crane. The only crane is the Manitowoc 4100W at 230-ton. Please refer to Appendix D and page 3-19, paragraph 3.4.1.	15-53
4.6-11 Table 4.6-4	Error	The location of Haskell's Beach is incorrect. Haskell's Beach is adjacent to the Bacara Resort. Per Citizen's of Goleta vs. Board of Supervisors of Santa Barbara County and Hyatt Corporation, 01/22/1988, "Factual Background - The project site, generally known as Haskell's Beach"	15-54
4.6-12 NOI-2	Error	Second paragraph, Tom Kennedy works for Fairweather Pacific, not "Fairweather Marine".	15-55
4.7-4 3 rd Bullet & Figure 4.7-1	Error	KOP No. 3 is not Haskell's Beach.	5 15-56

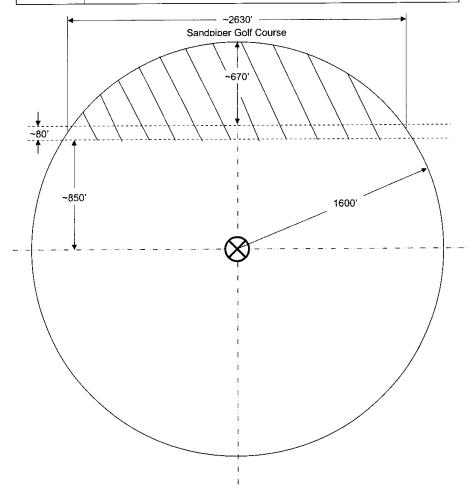


4.7-14 Disc.	Comment	We doubt that travelers on U.S. Highway 101 could see the project site. For the most part, U.S. 101 in the area is set back from the ocean and lies below the adjacent grade level towards the ocean. Further, the presence of the bluffs precludes seeing the remnant structures.	15-57
4,7-15 VIS-1	Comment	Please see earlier comment under 1-23 VIS-1.	15-58
4.8-3	Comment	It is misleading to suggest that any of the remaining Ellwood oilfield structures "have the potential to contain historical value." and on page 4.8-8 state that the U.S. Army Corps of Engineers has previously established that, at least PRC-421, in fact, does not have any historical/cultural significance.	15-59
4.8-6 Disc.	Error	Piles are 30-inch in diameter. See page 4.1-10.	15-60
4.10-7 WAT-2	Comment	The discussion refers to impacts to biological resources (bioproductivity) and concludes that the impact is adverse and potentially significant (Class 2). However, a similar discussion under BIO-2 (pgs. 4.4-47 & 48) concludes that the impact will be less than significant (Class 3). The effects on turbidity will be temporary in nature. WAT-2 should be revised accordingly.	15-61
5-1	Comment	It is highly unlikely that VENOCO Full Field Development will happen in the same potential time frame as PRC-421.	15-62
5-4 -2 -5 -5 -5 -5 -5 -5 -5 -5 -5 -5 -5 -5 -5	Comment	The last paragraph states that the proposed project, without mitigation, would result in significant impacts to kelp bed habitat for fish. This is not accurate. BIO-7 discussion concludes that impacts to kelp will be less than significant (Class 3) before mitigation is applied.	15-63
6-3 Sec 6.3.1.4	Grammar	"worse" S/B "worst"	15-64
6-4 Sec 6.3.1.5	Grammar	"form" S/B "from"	15-65
8-3	Error	Second to last sentenceARCO Environmental Remediation LLC does not exist in 2003. S/B Atlantic Richfield (ARCO) per Section 1.1.	15-66
8-12	Grammar Error	"personnel" S/B "personal" "Fairweather Marine" S/B "Fairweather Pacific"	15-67
Appendix E	Error	Applicant name misspelled and incorrect. S/B "Atlantic Richfield Company (ARCO)"	15-68



Appendix H	Error	Applicant name misspelled and incorrect. S/B "Atlantic Richfield Company (ARCO)"	15-69
P-1 Item 4.	Comment	Please see earlier comment under 1-20 BIO-5.	15-70
P-3 BIO-1	Comment	The Wildlife Protection Plan is only implemented during and prior to detonations and pile driving and to a lesser extent during rock deposition.	15-71
BIO-1	Comment	Please se earlier comment under 1-19 BIO-1	15-72
P-4 BIO-1	Comment	See also 4.4-47 2 nd bullet regarding bubble curtains.	15-73
P-4 BIO-5	Comment	Please see earlier comment under 1-20 BIO-5.	15-74
P-4 BIO-6	Comment	Please see earlier comment under 1-20 BIO-6.	15-75
P-4 BiO-5	Comment	There will be no nesting areas once the topside structure is removed.	15-76
P-5 BIO-7	Comment	Mitigation Measure and earlier EIR text says cut kelp within two weeks, however implementation timing says within one week. Please correct to "two weeks" as we beleive the reference to "one week" is a carryover from the original DEIR.	15-77
P-5 BIO-7	Comment	Please see earlier comment under 1-20 BIO-7.	15-78
P-5 BIO-7	Comment	Please see earlier comment under 1-20, 21 BIO-7.	15-79
P-6 HAZ-1 HAZ-2	Comment	The Linear Shaped Charges will be used during a very limited and specific time during the project. The Explosive Transportation and Operations Plan is not relevant "Throughout the duration of the project."	15-80
P-6, 7 NOI-1	Comment	Please see earlier comments under 1-23 NOI-1 and 4.6-9 Bottom.	15-81
P-7 VIS-1	Comment	Please see earlier comments under 1-23 VIS-1.	15-82





REF: "4.6-9 Bottom"

Shaded Area ~ 26 Acres

Commenting Party: Fairweather Pacific, LLC

Date of Comment(s): March 4, 2004

Responses to Comment(s):

- 15-1. The text of Section 1.3, Environmental Measures Incorporated into the Project Plan, of the DEIR has been revised to reflect the comment. Please see errata pages.
- 15-2. The DEIR on page 4.3-11, Impact TRF-4 recognizes that, "The proposed Project like the structure it replaces will be a hazard to navigation." The document on page 1-14 Section 1.4 characterizes this circumstance as a potentially significant impact for which mitigation is provided in Mitigation Measure TRF-4 on page 4.3-11 of the DEIR.
- 15-3. The referenced measure was proposed in response to a comment from the California Coastal Commission (CCC) on the DEIR for the originally proposed project, but it is also germane to the Revised Project. We have consulted Monica DeAngelis, marine mammal monitoring specialist from the NOAA Fisheries with respect to this recommendation and she too believes that the principal investigator should not be allowed to waive the aerial survey and monitoring as such is provided in the *Wildlife Protection Plan*.
- 15-4. The use of a bubble curtain deterred fish from entering the area of greatest explosive impact at the Seacliff Piers demolition project, thus reducing injury and mortality. Based on such practical experience and success, it has also been proposed for use in this project
- 15-5. The referenced requirement is proposed in recognition of potential observations in bird behavior and to ensure that no harm to nesting birds would occur. All migratory non-game native bird species are protected under the Migratory Bird Treaty Act of 1918 (MBTA). Sections 3503, 3503.4 and 3513 of the California Fish and Game Code also prohibit the take of birds and their active nests, including raptors and other migratory non-game birds as listed under the MBTA. A list of migratory birds protected under the Migratory Bird Treaty Act of 1918 is contained in 50 CFR 10.13 and includes, among others, Brandt's cormorant. This measure will also ensure that the applicant is in compliance with the MBTA.
- 15-6. Ground truthing of anchor locations was suggested by the staff of the CCC in their comment letter on the original project to determine whether anchor site revisions would be necessary to reduce kelp and hard bottom habitat impacts. The comment indicates that, "a monitor will confirm the positions to which the anchors are flown as being those established in the final survey." The use of a

- diver as the monitor would be an efficient means to accomplish both verifications, i.e., ground-truthing for biological and logistical purposes.
- 15-7. Wire rope would be allowable. The text of Section 1.0, Executive Summary, Section 4.4, Biological Resources and the MMP have been revised to state that wire rope is an acceptable and comparable alternative to "soft line".
- 15-8. The summary table has been revised to indicate that loss of kelp habitat is Class 3 impact (see errata pages).
 - The DEIR acknowledges that there would be a minor, beneficial, long-term impact on commercial and recreational fishing due to the additional rocky area that would support kelp, invertebrates and certain fish. However, in the short-term the impacts on habitat would be adverse.
- 15-9. Clarifying text has been added to DEIR Sections 1.0, 4.4 and the Mitigation Monitoring Program. Please see errata pages.
- 15-10. The measure is appropriately consistent with standard County of Santa Barbara mitigation for significant construction noise impacts since the sensitive receptors that would be impacted would be located in Santa Barbara County. The measure, however, would be applied only if a "sensitive receptor", as defined in the DEIR, exists within 1,600 feet of the affected site.
- 15-11. The DEIR is clear with respect to the type of noise that will result from the use of underwater explosives at the project site (see discussion of NOI-1). The terms are interchangeable and neither is more pejorative than the other.
- 15-12. The dissemination of accurate information about the Proposed Project to members of the public that may not avail themselves of the public hearing process, but are likely to observe the project activities, often ameliorates people's concerns regarding activities that may affect their lives.
- 15-13. The same project activity may, due to different significance criteria or plans, rules or regulations, have different levels of impact with respect to other issue areas. In this instance, the Proposed Project was determined not to result in a significant impact on biological resources. This evaluation takes into account turbidity, suspension of organic matter, characteristics of potentially effected marine life influencing the level of impact such as their mobility, etc.

However, the Ocean Plan water quality regulations seek to minimize the effects of discharges on various water quality parameters such as light transmission, aesthetics, etc. To ensure that these general requirements for discharge would be met to the extent feasible, disturbance of ocean floor sediments needs to be minimized. Thus, the Proposed Project was determined, with respect to water

- quality, to result in a significant turbidity impact, which is mitigated by minimizing the jetting of ocean sediments to the extent feasible.
- 15-14. The correction has been made to the text of Section 2.0, Introduction of the EIR (please see errata pages).
- 15-15. The reference to a CAT98F loader has been replaced with tracked dozer (please see errata pages).
- 15-16. The correction has been made to Section 3.0 of the EIR (please see errata pages).
- 15-17. The word "wave" has been added to the referenced sentence in Section 4.1 of the EIR (please see errata pages).
- 15-18. The referenced text of Section 4.1 of the EIR has been modified for clarification (please see errata pages).
- 15-19. The referenced text of Section 4.1, Geology and Coastal Process has been revised to replace the reference to chain with wire rope. Please see errata pages.
- 15-20. Comment noted.
- 15-21. It is understood, from speaking with Rob Campbell-Taylor of Venoco, that the Ellwood Pier is owned by the State of California and is leased. It is used 50 percent by Venoco and 50 percent by Exxon. Exxon's use of the pier is similar to Venoco's and they service Platform Hondo. The referenced text has been revised. Please see errata pages.
- 15-22. The referenced text has been struck from Section 4.3.1.3 (please see errata pages).
- 15-23. The reference to the use of Ellwood Pier is qualified, i.e., "If necessary." Thank you for the clarification.
- 15-24. The reference to the EFHA on page 4.4-3 in Section 4.4.1.1, General Description of Biological Resources has been modified to reflect the correct date (please see errata pages).
- 15-25. The discussion pertaining to double-crested cormorants was included in the DEIR in response to a comment from the CCC on the original DEIR because they are a state species of concern. The referenced DEIR section pertains only to endangered, threatened and other listed species. Brandt's cormorant is not a listed species and, accordingly, is not included in Section 4.4.1.3.

- 15-26. The commentor is correct.
- 15-27. The referenced text of Section 4.4.4 of the DEIR has been rephrased (please see errata pages).
- 15-28. Based upon the State CEQA Guidelines, any impact, regardless of the level of such impact, to locally designated species or locally designated communities <u>may</u> be significant.
- 15-29. The applicant's *Wildlife Protection Plan* (Appendix J of the DEIR) accounts for the unlikely event of one set of charges detonating at once. The referenced table is consistent with this more conservative approach.
- 15-30. The text of the bullet item has been clarified (please see errata pages).
- 15-31. The text of Section 4.4.4.3 of the EIR has been revised to indicate the use of a starter's pistol or air horn (please see errata pages).
- 15-32. The text of the last bullet on page 4.4-45 has been modified to clarify that an aerial survey will occur immediately prior to the start of any pile driving operation (please see errata pages).
- 15-33. The referenced text of DEIR Section 4.4 has been deleted (please see errata pages).
- 15-34. The referenced text of DEIR Section 4.4 has been revised to indicate that the marine mammal watch is to be conducted by trained vessel personnel. The applicant's *Marine Mammal Contingency Plan* (MMCP) (Appendix L of the DEIR) states that all crew members are required to read and understand the MMCP as their marine mammal training.
- 15-35. Please see Response to Comment 15-3.
- 15-36. Please see Response to Comment 15-4.
- 15-37. The referenced text at page 4.4-47 of the EIR has been clarified (please see errata pages).
- 15-38. The referenced text on page 4.4-48 of the DEIR has been clarified (please see errata pages).
- 15-39. The dimensions of the referenced preclusion area have been revised (please see errata pages).
- 15-40. Please see Response to Comment 15-5.

- 15-41. The reference should have been to Section 4.4.2. The referenced text of the EIR has been corrected (please see errata pages).
- 15-42. The reference should have been to Section 4.4.2. The referenced text of the EIR has been corrected (please see errata pages).
- 15-43. The phrase "offshore activities" should be interpreted solely within the context of the discussion of Impact BIO-7 on pages 4.4-52 to 4.4-54. Please refer to the definition of Impact BIO-7 on page 4.4-52.
- 15-44. Please see Response to Comment 15-8.
- 15-45. It may be possible for fumes to reach the surface through the air bubbles that rise from the detonation site; hence, the reference to the provision of the MSDS and conclusion that the coastal breeze will clear the area almost immediately.
- 15-46. The reference to KELCO in DEIR Section 4.4 has been replaced with ISP Corporation (please see errata pages).
- 15-47. The duplicative word "project" in the referenced text on page 4.5-5 of the DEIR has been deleted (please see errata pages).
- 15-48. The DEIR needs to address the potential impacts associated with the transport and use of explosives. The text in the last sentence of the first paragraph under HAZ-5 discussion has been modified to clarify that potential hazards exist in the transport of explosives. As affirmatively stated in the DEIR Section 4.5, Hazards, the public will not be at risk during the planned operational use of explosives (please see errata pages).
- 15-49. The text indicates that the prescribed construction window is in specific conformance with the CDFG. While this may be the primary reason for the timing of the window, it also coincides with the period of "less severe conditions for project diving personnel."
- 15-50. The text of the referenced table has been revised to identify the location as the beach in front of Sandpiper Golf Course (please see errata pages).
- 15-51. The noise impact of pile driving is considered significant. As indicated in the comment, there is no barrier effect between the site and the Bacara Resort, beach and near shore edge of Sandpiper Golf Course. A reduction in project noise levels for the residential area identified Table 4.6-4 can be expected as a result of the barrier effect from the bluffs. See also Response to Comment 15-10 herein.
- 15-52. In the impact assessment portion of the DEIR Noise Section, it is acknowledged that, due to the distance between the project site and sensitive receptors, most of

- the construction noise would not be significant. However, because pile driving would result in noise levels above that typical for construction equipment, noise levels during this phase only would exceed thresholds at sensitive receptor sites within 1,600 feet of the site. See also Response to Comment 15-10 herein.
- 15-53. The reference to the crane in Section 4.6.2.3 of the EIR has been revised in response to the comment. Please see errata pages.
- 15-54. The referenced table (4.6-4) has been clarified to indicate that Haskell's Beach is in front of Sandpiper Golf Course. (Please see errata pages)
- 15-55. The text of Section 4.6 has been corrected (please see errata pages).
- 15-56. The text of Section 4.7 has been corrected (please see errata pages).
- 15-57. We agree that it is very unlikely that the project site can be seen from U.S. Highway 101 due to the topography of the area which features high bluffs onshore from the Proposed Project site. The referenced text of Section 4.7, Aesthetics, has been revised accordingly (please see errata pages).
- 15-58. Please see Response to Comment 15-12.
- 15-59. The content of the referenced text is the Environmental Setting, which provides information about the potential range of historical resources in the region. As indicated on page 4.8-8 of the DEIR, the Army Corps of Engineers has determined that the remnant structure "will not be considered a historical property."
- 15-60. The referenced text of Section 4.8 has been corrected to indicate that the piles will be 30-inch in diameter (please see errata pages).
- 15-61. Please see Response to Comment 15-13.
- 15-62. Comment noted. The cited project falls within the category of "occurring within the same geographic area" as the Proposed Project.
- 15-63. The text of Section 5.0 has been revised to render it consistent with the discussion and analyses within BIO-7 beginning on page 4.4-52 of the DEIR (please see errata pages).
- 15-64. Comment acknowledged.
- 15-65. Comment acknowledged.
- 15-66. The correction has been made to Section 8.0, References of the EIR (please see errata pages)

- 15-67. The text of Section 8.0 has been revised to reflect the correction noted (please see errata pages).
- 15-68. Comment acknowledged.
- 15-69. Comment acknowledged.
- 15-70. Please see Response to Comment 15-5.
- 15-71. The *Wildlife Contingency Plan* applies throughout the Proposed Project because of the need for vessel personnel to implement marine mammal avoidance measures.
- 15-72. Please see Response to Comment 15-3.
- 15-73. Please see Response to Comment. 15-4.
- 15-74. Please see Response to Comment 15-5.
- 15-75. Please see Response to Comment 15-6.
- 15-76. The MMP has been revised to clarify that this measure only applies prior to project implementation.
- 15-77. The text has been modified to reflect the specific requirement of Mitigation Measure BIO-7 (please see errata pages).
- 15-78. Please see Response to Comment 15-7.
- 15-79. Please see Response to Comment 15-8.
- 15-80. The text of the MMP timing statement has been revised to reflect that the Explosives Transportation and Operations Plan applies during the caisson toppling phase of the Proposed Project rather than throughout the project's duration (please see errata pages).
- 15-81. Please see Response to Comment 15-10.
- 15-82. Please see Response to Comment 15-12.